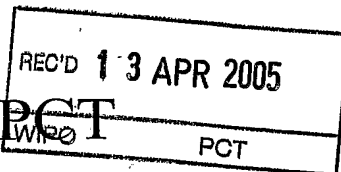


PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



To:

BEIJING ZHONGYUAN HUAHE INTELLECTUAL
PROPERTY AGENCY CO., LTD

Room 909, Huibin Building, No.8, Beichendong Street, Chaoyang
District, Beijing 100101,
P.R.China

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing
(day/month/year) APR 2005 (07.04.2005)

Applicant's or agent's file reference

PIY04251PGTW

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/CN2004/001531

International filing date (day/month/year)

27.Dec.2004 (27.12.2004)

Priority date (day/month/year)

25.May.2004 (25.05.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC 7 : G11B 19/12

Applicant

VIA TECHNOLOGIES, INC et.al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CN

No.6, Xitucheng Road, Jimen Bridge, Haidian District, Beijing,
100088, P.R.China

Authorized officer

Zhang, Jing

Facsimile No. (86-10)62019451

Telephone No. 86-10-62084668

Form PCT/ISA/237(cover sheet)(January 2004)

International application No.
PCT/CN2004/001531

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b))
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ in addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CN2004/001531

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	2-6,8-12	YES
	Claims	1,7	NO
Inventive step (IS)	Claims	3-6,9-12	YES
	Claims	2,8	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

Document 1 discloses a method of identifying the type of optical disc. It points out attaining pull-push tracking error signals at different radiuses, judging the type of disc used with them. Also, it discloses in detail getting the amplitudes of pull-push tracking error signals at the radius of $r=25\text{mm}$ and $r=23.7\text{mm}$ respectively, namely, pp25 and pp23.7. Then, if it is satisfied that $(pp_{25}+pp_{23.7}) > pp_{r2}$, the used disc will be DVD-R, wherein the value of pp_2 is 2. So the whole content of Claim 1 is disclosed, Claim 1 seems lacking of novelty defined by PCT Article 33(2). Similarly, the magnitude of pull-push tracking error signal involves various aspects, of course the amplitude belongs to one of them, thereby it is considered D1 also discloses Claim 7, it still lacks of novelty.

Claim 2 and 8 are dependent on Claim 1 and Claim 7 respectively, their additional features are well known to the skilled person in the art, therefore they lack of inventive step defined by PCT Article 33(3).

Document 1: JP, A, 2003-217135

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2004/001531

Box No. VI Certain documents cited

1. Certain published documents(Rules43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP,A,2003-217135	31.Jul.2003 (31.07.2003)	24.Jan.2002 (24.01.2002)	

2. Non-written disclosures(Rules43bis.1 and 70.9)

Kind of non written disclosure	Date of non –written disclosure (day/month/year)	Date of written disclosure referring fo non-written disclosure (day/month/year)
--------------------------------	---	---